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| 09/731,615  | 12/07/2000  | Freeman Leigh Rawson III | AUS920000420US1     | 1088             |
| 35525   | 7590        | 06/30/2005               | EXAMINER            |                  |
| IBM CORP (YA)<br>C/O YEE & ASSOCIATES PC<br>P.O. BOX 802333<br>DALLAS, TX 75380 |             |                          | NGUYEN, THANH       |                  |
|   |             |                          | ART UNIT            | PAPER NUMBER     |
|   |             |                          | 2144                |                  |

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/731,615

Applicant(s)

RAWSON, FREEMAN LEIGH

Examiner

Tammy T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_



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*Detailed Office Action*

1. This action is in response to the amendment filed on February 7, 2005.
2. Claims 1-30 are pending
3. Claims **31-35** are newly added.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-3, 5, 7-13, 15, 17-23, 25, 27-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Greg Murphy. (USPN 6,564,380 – Date of Patent: May 13, 2003, herein referred to as “Murphy”).
6. As to claim 1, Murphy teaches the invention as claimed, including a method of partitioning system management information for a plurality of network devices, comprising: receiving system management information for the plurality of network devices (col.12, line 13 to col.14, lines 25, shows receiving system management information for plurality of devices); and partitioning the system management information based on at least one leasehold the plurality of network devices (col.14, lines 5-25, after receiving request from client the broadcast to servers).
7. As to claim 2, Murphy teaches the invention as claimed, further comprising: generating at least one document based on the partitioned system management information for each of the at least one leasehold (Abstract, generating video web page hosted on the master server); and transmitting the at least one document to a management system of the at least one leasehold (Abstract, linked to the client’s web sites).
8. As to claim 3, Murphy teaches the invention as claimed, wherein transmitting the at least one document includes converting the document format useable by the management system (col.10, lines 15-35).

9. As to claim 5, Murphy teaches the invention as claimed, wherein partitioning the system management information includes partitioning the system management information based on stored lease information (col.13, line 60 to col.14, line 5).
10. As to claim 7, Murphy teaches the invention as claimed, wherein transmitting the at least one document includes sending the at least one document to a management system adapter that converts the document to a format useable by the management system (col.10, lines 15-35).
11. As to claim 8, Murphy teaches the invention as claimed, wherein the system management information includes at least one of an identification of applications run under each of the at least one leasehold, a number of network devices on which the applications for each of the at least one leasehold were run, an amount of network bandwidth used by each the at least one leasehold, and a level of success of running the applications under each of the at least one leasehold (col.1, lines 50-65, network bandwidth).
12. As to claim 9, Murphy teaches the invention as claimed, wherein the plurality of network devices are a plurality of thin servers in a thin server farm (col.7, lines 29-40, The master Authorization server 100 and local PoP servers 110).
13. As to claim 10, Murphy teaches the invention as claimed, wherein the plurality of network devices are a plurality of thin servers and wherein the method is implemented in a metaserver of a thin server farm (Fig.5, meta server).
14. As to claim 11, Murphy teaches the invention as claimed, including a apparatus for partitioning system management information for a plurality of network devices, comprising: means for receiving system management information for the

plurality of network devices (col.12, line 13 to col.14, lines 25, shows receiving system management information for plurality of devices); and means for partitioning the system management information based on least one leasehold of the plurality of network devices (col.14, lines 5-25, after receiving request from client the broadcast to servers).

15. As to claim 12, Murphy teaches the invention as claimed, further comprising:  
means for generating at least one document based on the partitioned system management information for each of the at least one leasehold (Abstract, generating video web page hosted on the master server); and means for transmitting the at least one document to a management system of the at least one leasehold (Abstract, linked to the client's web sites).
16. As to claim 13, Murphy teaches the invention as claimed, wherein the means for transmitting the at least one document includes means for converting the document to a format useable by the management system (col.10, lines 15-35).
17. As to claim 15, Murphy teaches the invention as claimed, wherein the means for partitioning the system management information includes means for partitioning the system management information based on stored lease information (col.13, line 60 to col.14, line 5).
18. As to claim 17, Murphy teaches the invention as claimed, wherein means for transmitting the at least one document includes means for sending the at least one document to a management system adapter that converts the document to a format useable by the management system (col.10, lines 15-35).

19. As to claim 18, Murphy teaches the invention as claimed, wherein the system management information includes at least one of an identification of applications run under each of the at least one leasehold, a number of network devices on which the applications for each of the at least one leasehold were run, an amount of network bandwidth used by each of the at least one leasehold, and a level of success of running the applications under each of the at least one leasehold (col.1, lines 50-65, network bandwidth).
20. As to claim 19, Murphy teaches the invention as claimed, wherein the plurality of network devices are a plurality of thin servers in a thin server farm (col.7, lines 29-40, the master authorization server 100, and local Pop servers 110).
21. As to claim 20, Murphy teaches the invention as claimed, wherein a plurality of network devices are a plurality of thin servers and wherein the apparatus is a metaserver (Fig.5, meta server).
22. As to claim 21, Murphy teaches the invention as claimed, including a computer program product computer readable medium for partitioning system management information for a plurality of network devices, comprising first instructions for receiving system management information for the plurality of network devices (col.12, line 13 to col.14, lines 25, shows receiving system management information for plurality of devices); and second instructions partitioning the system management information based on at least one leasehold of the plurality of network devices (col.14, lines 5-25, after receiving request from client the broadcast to servers).

23. As to claim 22, Murphy teaches the invention as claimed, further third instructions for generating at least one document based on the partitioned system management information for each of the at least one leasehold (Abstract, generating video web page hosted on the master server); and fourth instructions for transmitting the at least one document to a management system of the at least one leasehold (Abstract, linked to the client's web sites).
24. As to claim 23, Murphy teaches the invention as claimed, wherein the fourth instructions for transmitting the at least one document includes instructions for converting the document to a format useable by the management system (col. 10, lines 15-35).
25. As to claim 25, Murphy teaches the invention as claimed, wherein the second instructions for partitioning the system management information includes instructions for partitioning the system management information based on stored lease information (col. 13, line 60 to col. 14, line 5).
26. As to claim 27, Murphy teaches the invention as claimed, wherein the fourth instructions for transmitting the at least one document includes instructions for sending the at least one document to a management system adapter that converts the document to a format useable by the management system (col. 10, lines 15-35).
27. As to claim 28, Murphy teaches the invention as claimed, wherein the system management information includes at least one of an identification of applications run under each of the at least one leasehold, a number of network devices on which the applications for each of the at least one leasehold were run, an amount



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of network bandwidth used by each of the at least one leasehold, and a level of success of running the applications under each of the at least one leasehold (col. 1, lines 50-65, network bandwidth).

28. As to claim 29, Murphy teaches the invention as claimed, wherein the plurality of network devices are a plurality thin servers in a thin server farm (col. 7, lines 29-40, The master Authorization server 100, and local Pop servers 110).
29. As to claim 30, Murphy teaches the invention as claimed, wherein the plurality of network devices are a plurality of thin servers and wherein the computer program product is executed in a metaserver of a thin server farm (Fig. 5, metaserver).
30. As to claim 31, Murphy teaches the invention as claimed, wherein the plurality of network devices are a plurality of servers in a server farm, and wherein responsive to receiving the at least one document by the management system of the at least one leasehold, the management system of the at least one leasehold sends at least one command back to the server farm (see col. 15, lines 1-42).
31. As to claim 32, Murphy teaches the invention as claimed, wherein the at least one command is executed by an application running on the server farm (see col. 10, line 52 to col. 11, line 55).
32. As to claim 33, Murphy teaches the invention as claimed, wherein the system management information comprises operational characteristics of operating system and applications executing on the plurality of thin servers (see col. 6, line 64 to col. 7, line 45).

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33. As to claim 34, Murphy teaches the invention as claimed, wherein the meta server comprises a plurality of leasehold agents and plurality of adapters coupled to respective leasehold agents (Fig.5).
34. As to claim 35, Murphy teaches the invention as claimed, wherein the plurality of leasehold agents facilitate communication between the metaserver and respective management systems for each of a plurality of leaseholds (Fig.5).

***Claim Rejections - 35 USC § 103***

35. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

36. Claims 4,6, 14, 16, 24, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greg Murphy., (hereinafter Murphy) U.S. Patent No. 6,564,380 in view of Nixon et al., (hereinafter Nixon) U.S. Patent No. 6,513,060.
37. As to claim 4, and 6 Murphy does not teach an extensible markup language document (XML). However, Nixon teaches an extensible markup language document as shown in col.1, lines 20-30. It would have been obvious to one of

ordinary skill in the art at the time of the invention was made to combine the teachings of Murphy and Nixon to have an extensible markup language document (XML) because it would have an efficient system that allows designers to create their own customized tags, enabling the definition, transmission, validation, and interpretation of data between applications and between organizations.

38. Claims 14, 16, 24, 26 have similar limitations as claims 4, and 6; therefore, they are rejected under the same rationale.

### ***Response to Arguments***

39. Applicant's arguments filed on February 7, 2005 have been fully considered, however they are not persuasive because of the following reasons:
40. Applicants argue that Murphy does not teach partitioning the system management information based on at least one leasehold of the plurality of network devices. In response to Applicant's argument, the Patent Office maintain the rejection because Murphy teaches partitioning the system management information based on at least one leasehold of the plurality of network devices as shown in col.14, lines 5-25, after receiving request from client the broadcast to servers. Murphy clearly shows partitioning the system management information based on at least on leasehold of the plurality of network devices.
41. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., multi-leasing of portions of a network) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification,

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limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

42. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).
43. Therefore, the Examiner asserts that cited prior arts teach or suggest the subject matter broadly recited in independent claims 1, 11, and 21. Claims 2-10, 12-20 and 22-35 are also rejected at least by the virtue of their dependency on independent claims and by other reasons set forth in the previous office action.
44. Accordingly, claims 1-35 are respectfully rejected.

### ***Conclusion***

45. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

46. Any inquiries concerning this communication or earlier communications from the examiner should be directed to **Tammy T. Nguyen** who may be reached via telephone at **(703) 305-7982**. The examiner can normally be reached Monday through Friday between 8:00 a.m. and 5:30 p.m. eastern standard time.

If you need to send the Examiner, a facsimile transmission regarding this instant application, please send it to **(703) 872-9306**. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, David Wiley, may be reached at **(571) 272-3923**.

*TTN*

June 22, 2004.



**DAVID WILEY**  
SUPERVISORY PATENT EXAMINER  
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